

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 97-CR-80448-DT

v.

HONORABLE DENISE PAGE HOOD

ESHAYA KOURYAKAS,

Defendant.

/

**ORDER DENYING MOTION TO AMEND JUDGMENT OF SENTENCE
AND/OR TO ABATE RESTITUTION**

Defendant, Eshaya Kouryakas, brought this Motion to Amend Judgment of Sentence and/or Abate Restitution requesting that the Court remit the amount of restitution and/or delete the fines imposed at the time of sentencing. Defendant claims that although he is employed, he earns only \$8.00 per hour and his health is marginal. He also states that he is sixty-three (63) years old and intends to seek Social Security benefits. Defendant's Memorandum of Law cites only 18 U.S.C. § 3614, et seq. The Government responds that 18 U.S.C. § 3614 permits the court to re-sentence a defendant who knowingly fails to pay a fine or restitution imposed, to a sentence that could have been originally imposed, including imprisonment.

The Court finds that Defendant has failed to cite any authority to support deletion of the restitution or fine requirement of Defendant's sentence under 18 U.S.C. § 3614. Defendant pled guilty to trafficking in counterfeit videotape labels in violation of 18 U.S.C. §§ 2318(a) and (c) and 18 U.S.C. § 2. Restitution in the amount of \$281,250.00 was ordered along with a \$5,000.00 fine. The Court finds no reason to re-sentence the Defendant at this time.

Accordingly,

IT IS ORDERED that Defendant's Motion to Amend Judgment of Sentence and/or Abate Restitution [**Docket No. 323, filed July 18, 2002**] is DENIED.

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: May 16, 2005